



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,030	02/02/2004	Yasuhiko Munakata	0760-0329P	7791
2292	7590	03/27/2006	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			CHEN, STACY BROWN	
			ART UNIT	PAPER NUMBER
			1648	
DATE MAILED: 03/27/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES DEPARTMENT OF COMMERCE

U.S. Patent and Trademark Office

Address : COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
---------------------------------	-------------	---	---------------------

EXAMINER

ART UNIT	PAPER
----------	-------

20060321

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Please see attached Notice of Non-Responsive Amendment.

Notice of Non-Responsive Amendment

The amendment filed on February 21, 2006 canceling all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The general policy of the Office is not to permit Applicant to shift to claiming another invention after an election is once made and action given on the elected subject matter. Note that Applicant cannot, as a matter of right, file a request for continued examination (RCE) to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined (i.e., Applicant cannot switch inventions by way of an RCE as a matter of right). When claims are presented which the examiner holds are drawn to an invention other than the one elected, he or she should treat the claims as outlined in MPEP § 821.03.

The elected subject matter, a receptor for human parvovirus, is no longer represented in the amendment because claims 1-8 are cancelled. The remaining claims are not readable on the elected invention for the following reasons:

- Claims 9 and 10 are drawn to agents that inhibit binding between a receptor for human parvovirus. This subject matter was not elected in response to the restriction requirement dated July 7, 2005.
- Claims 11-14 are drawn to a process for producing a cell that absorbs human parvovirus. This subject matter was not elected in response to the restriction requirement dated July 7, 2005.
- Claims 15-28 are drawn to newly presented subject matter, drawn to methods of binding and adsorbing human parvovirus, classified in class 435, subclass 5. The

Art Unit: 1648

elected subject matter, a receptor for human parvovirus, is related to the subject matter of claims 15-28, but the receptor can be used in a materially different method of use, such as in a method of inducing an immune response. A search for the receptor and the methods presented in claims 15-28 would be a serious burden of search.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Conclusion

The examiner informed attorney Mark Konieczny of this notice of non-response amendment in a telephonic interview on March 21, 2006.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stacy B. Chen whose telephone number is 571-272-0896. The

Art Unit: 1648

examiner can normally be reached on M-F (7:00-4:30). If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James C. Housel can be reached on 571-272-0902. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

A handwritten signature in black ink, appearing to read "Stacy B. Chen". The signature is fluid and cursive, with the first name "Stacy" and last name "Chen" clearly distinguishable.

Stacy B. Chen
March 21, 2006